

KH-2017
PATENT

In re Application of Hans-Wilm Heinrich
Serial No. 10/727,247
Filed: December 3, 2003

RESPONSE TO ADVISORY ACTION OF NOVEMBER 9, 2005

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Remarks**Background**

On October 14, 2005, applicants transmitted the RESPONSE TO FINAL OFFICE ACTION OF SEPTEMBER 29, 2005.

On November 9, 2005, the Primary Examiner issued an Advisory Action indicating that the amendment would not be entered because, "... the limitation a mass ration Nb/(Zr +Nb) equal to 0.5 in claims 22 and 38 raises new issue because the claims as originally cast have the mass ratio equal to greater than 0.5 and equal to." Underlining in the original.

On November 17 2005, over the telephone, applicants' attorney (Mr. Stephen T Belsheim) briefly discussed the issue with the Primary Examiner and indicated that applicants were willing to delete the term "or" from claims 22 and 38 so as to remove the reason for non-entry. The Primary Examiner advised applicants' attorney that he would need to file a response to the Advisory Action. This paper is that response.

In light of the fact that the Response of October 14, 2005 was not entered, the amendments to the claims presented herein reflect amendments to the claims as they stood after the final rejection, but before the submission of the response to the final action.

Comments about the Claims

In the FINAL Office Action, the Examiner has indicated that claims 22-23, 36, and 38-40 would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Keeping in mind the indication of allowable subject matter, applicant has amended the claims as follows:

- claim 21 has been cancelled
- claim 22 has been amended to include all of the limitations of claim 21
- claims 24 and 26-29 have been amended to depend from claim 22
- claim 36 has been amended to include all of the limitations of claim 21

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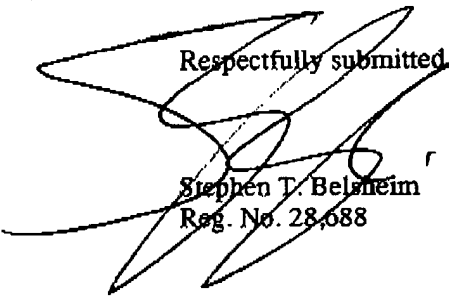
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- claim 37 has been cancelled
- claims 38-40 have been amended to include all of the limitations of claim 37
- claim 41 has been cancelled

In light of these amendments, applicant respectfully submits that the claims are in form for allowance, and respectfully requests the issuance of a Notice of Allowability and Notice of Issue Fee Due. If the Examiner has any questions, applicant urges the patent examiner to contact the undersigned attorney (615-662-0100) or Mr. Larry R. Meenan (724-539-5485).

Respectfully submitted,


Stephen T. Belshim
Reg. No. 28,688

179 Belle Forrest Circle
Suite 102
Nashville, Tennessee 37221
Telephone: 615-662-0100
Facsimile: 615-662-0352

Customer No. 1400

Date: November 17, 2005